

Remarks

In the action, claims 1-33 were rejected under 35 USC 103(a) as unpatentable over Gesuita et al. (US 6,566,613) in view of Luke (US 6,580,037), Anderson et al. (US 6,633,905), Perholtz et al (US 5,732,212) and “applicant’s own admission of prior art.”

The undersigned attorney appreciates the Examiner’s time and consideration in connection with the interview that took place on August 24, 2004, between the Examiner, the undersigned and inventor David Miller. Mr. Miller demonstrated a functioning scale that utilized a web server to produce its own user interface on a display of the scale by serving user interface web page data to a resident interface link of the scale, and also demonstrated that the scale, again using the web server, could generate a user interface at a remote device (such as a remote PC). Upon viewing the demonstration, Examiner Gibson suggested that claims 1, 14, 24, 31 and 34 (which was presented to Examiner Gibson at the interview) be amended to specify the web server as “resident” on the scale in order to clarify the claims and place the application in condition for allowance. It was agreed that use of the word “resident” was not necessary in connection with claim 23, which already recites the step of “providing in the scale a web server.”

Based upon the interview discussions, Applicants have amended the claims above. In particular:

Claim 1 now recites “a **resident** web server associated with the controller for serving user interface web page data to both of (1) the resident interface link for display on the display screen and (2) the remote interface link for transfer to an external device.” Applicant’s note that claim 1 has been amended above to remove the alternative language originally set forth in claim 1. However, amended claim 1 does not expressly require, and should not be interpreted as requiring that the web server serve user interface web page data to both links at all times. Rather, claim 1 is properly interpreted to require that the web server, in association with the controller, is configured for serving user interface web page data to both links when called upon to do so.

Claim 14 now recites “a **resident** web server associated with the controller for serving user interface web page data to the remote interface link for transfer to an external device,

including web page data for establishing a link enabling control of one or more functions of the scale.”

Claim 23 recites a step of “providing the scale with a weigh station and a control for determining a price of an item based upon item weight” in addition to the step of “providing **in the scale** a web server.”

Claim 24 now recites a “method for remotely assisting a scale operator in troubleshooting a certain scale configured to weigh and determine a price for items, the scale including a **resident web server**” and the step of “receiving an interactive login web page **served by the resident web server** of the scale.”

Claim 31 now recites a “method for monitoring operations of a certain scale configured to weigh and determine a price for items, the scale including a resident web server” and the step of “receiving at least one interactive login web page **served by the resident web server** of the scale.”

New claim 34 recites a scale including a controller, a resident interface link with a web browser and “a **resident web server** associated with the controller; wherein during a start-up operation of the scale a user interface presented on the display screen is produced as a result of user interface web page data **served by the resident web server** to the web browser.”

Per the discussion with the examiner, all independent claims (1, 14, 23, 24, 31 and 34) are patentable over the art.

Regarding the rejection made in the action, Applicants note that simply incorporating the VX Works operating system, the IceStorm web browser and the GoAhead web server mentioned in the present application into a computer or other processing system associated with a scale (such as the Gesuita et al. PC) would NOT result in the invention defined by the claims. Rather, as discussed with the examiner, incorporating such software into a scale would not produce the invention defined by the respective claims without specific tailoring (i.e., via additional software) of the interaction between the controller, web browser and web server, as well as